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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,219	07/23/2001	Juha Rasanen	060282.00046	4905

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EXAMINER	
GARY, ERIKA A	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/911,219	RASANEN, JUHA	
	Examiner	Art Unit	
	Erika A. Gary	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/11/08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-33,35-37 and 39-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-33,35-37 and 39-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 44 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the specification for a computer program embodied on a computer readable medium. The computer readable medium must be positively disclosed in the specification as having statutory examples of the medium. A brief mention of "application software" in insufficient.

Claim Objections

3. Claim 35 is objected to because of the following informalities: the error procedure limitation in claim 22 has been deleted, so "said error procedure" in the instant claim should be amended. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 22-33, 36, 37, and 39-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's submission of prior art, Lintulampi, WO 98/59513 (hereinafter Lintulampi).

Regarding claims 22, 39, 44, and 46, Lintulampi discloses a method comprising: detecting a request for specific service for a radio transceiver device, wherein said request for specific service is received from a network side, wherein a radio transceiver device capable of operating with the first radio access network and the second radio access network is attached to said first radio access network; accessing information on conditions for the first radio access network and the second radio access network for giving sufficient support for a specific service requested by said request for specific service, analyzing whether or not said first radio access network and said second radio access network meet said conditions; and initiating a handover of said radio transceiver device from said first radio access network to said second radio access network if the conditions are met by the second radio access network but the first radio access network does not [page 2: lines 12-19, 26-35; page 3: lines 4-16].

Regarding claim 23, Lintulampi discloses wherein said conditions comprise a condition whether said requested specific service exists in the radio access network [page 2: lines 12-19, 26-35].

Regarding claim 24, Lintulampi discloses wherein said conditions depend on each other [page 2: lines 12-19, 26-35].

Regarding claim 25, Lintulampi discloses wherein one of said conditions for the first radio access network is a given amount lower than the corresponding condition for the second radio access network [page 2: lines 12-19, 26-35].

Regarding claims 26 and 40, Lintulampi discloses wherein said method is performed in said radio transceiver device [page 2: lines 31-33].

Regarding claims 27 and 41, Lintulampi discloses wherein said method is performed in a network control device [page 2: lines 31-33].

Regarding claim 28, Lintulampi discloses informing said radio transceiver device of the fact that a handover to said second radio access network is to be initiated [page 6: lines 3-19].

Regarding claim 29, Lintulampi discloses wherein said radio transceiver device is a dual mode phone which is adapted to be operated in said first radio access network and said second radio access network [page 3: lines 4-6].

Regarding claim 30, Lintulampi discloses wherein either said first or said second radio access network is a GSM network [page 3: lines 4-6].

Regarding claim 31, Lintulampi discloses either said first or said second radio access network is a universal mobile telecommunications system (UMTS) network [page 3: lines 4-6].

Regarding claim 32, Lintulampi discloses wherein said requested specific service is a circuit-switched service [page 5: lines 12-15].

Regarding claim 33, Lintulampi discloses wherein said requested specific service is a packet service [page 6: lines 20-22].

Regarding claim 36, Lintulampi discloses wherein said radio transceiver device is attached to said first radio access network such that it is located in a cell of said first radio access network and connected by air with said first radio access network [page 2: lines 12-19].

Regarding claim 37, Lintulampi discloses wherein said radio transceiver device is also located in a cell of said second radio access network [page 2: lines 12-19].

Regarding claim 42, Lintulampi discloses wherein said analyzing unit is connected to a database to obtain information regarding said conditions of said requested specific service [page 2: lines 12-19, 26-35; page 3: lines 4-16].

Regarding claims 43 and 45, Lintulampi discloses wherein said analyzing unit is configured to analyze whether a subscriber using said radio transceiver device is entitled to use said requested specific service [page 2: lines 12-19, 26-35; page 3: lines 4-16].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 35, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintulampi.

Regarding claims 35, 47, and 48, Lintulampi does not specifically disclose notifying the user of an error procedure or initiating an error procedure when it is detected that the requested specific service is not available in an of the networks. However, the Examiner takes Official Notice that it is well known in the art to initiate an error procedure or indicate a failure to the user is a request for service cannot be fulfilled. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Lintulampi to include an error procedure. The motivation for this modification would have been to appropriately notify the user that the requested service is not available.

Response to Arguments

8. Applicant's arguments with respect to claims 22, 39, 44, and 46 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed 12/11/08, with respect to claim 44 have been fully considered but they are not persuasive. Applicant's specification only briefly mentions "application software" but does not empirically define a computer readable medium as required in the claim. It therefore does not rule out non-statutory examples of the intended medium.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EAG/
April 6, 2009

/Erika A. Gary/
Primary Examiner, Art Unit 2617